

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**FRANKLIN McMILLION,**

*Plaintiff,*

**v.**

**STATE OF ALABAMA, *et al.*,**

*Defendants.*

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**CIVIL ACTION NO.:  
07 cv 563-MHT**

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**JOINT STATEMENT REGARDING REPRESENTATION OF PARTIES**

In response to this Honorable Court's Order of June 25, 2007 [Doc. No. 5], requiring the parties to jointly prepare a statement concerning representation, the following is submitted:

**A. Defendants remaining in the case:**

1. Department of Revenue
2. G. Thomas Surtees, Commissioner of the Department of Revenue
3. State Personnel Department
4. Jackie Graham, Director of the State Personnel Department

**B. Attorneys in the case:**

1. Russell W. Adams
2. Rocco Calamusa, Jr.
3. Aaron L. Dettling
4. Gwendolyn B. Garner
5. John Breckenridge, Jr.
6. Alice Ann Byrne

**C. Representation of parties:**

Plaintiff:

Franklin McMillion

Attorneys

Russell W. Adams  
Rocco Calamusa, Jr.

Defendants:

State Personnel Department

Jackie Graham, Director

Department of Revenue

G. Thomas Surtees, Commissioner

Attorneys

Alice Ann Byrne

Alice Ann Byrne

Aaron L. Dettling  
Gwendolyn B. Garner  
John Breckenridge, Jr.

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John Breckenridge, Jr.

The parties agree that the Governor and the State of Alabama shall be dismissed from this action without prejudice, subject to the Plaintiff's right to reinstate the Governor and the State of Alabama as defendants upon notice to the Court and the parties. The Governor and the State would then be reinstated as defendants in this action as if they had never been dismissed such that any application statute of limitations shall be tolled during the dismissal period. The Defendants agree that no objection or defense arising from the dismissal will be raised.

Respectfully submitted, this 30<sup>th</sup> day of July, 2007.

/s/ Russell W. Adams  
RUSSELL W. ADAMS (ASB 3760-A62R)  
Attorney for Plaintiff

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/s/ Alice Ann Byrne  
ALICE ANN BYRNE, ESQ. (BYR 015)  
Attorney for Defendants  
State of Alabama, Governor Fob James,  
State Personnel Department and  
Jackie Graham, Director of State Personnel  
Department

STATE PERSONNEL DEPARTMENT  
LEGAL DIVISION  
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/s/ Aaron L. Dettling  
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G. Thomas Surtees, Commissioner

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